

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:06CV361-MU

RODNEY D. CLASS,

Plaintiff,

vs.

JOHN R. ADAMS, *et al.*,

Defendants.

ORDER

This matter is before the court upon motion of the Defendant Federal Judges and Clerk to dismiss the *pro se* Plaintiff's Complaint pursuant to Rules 12(b)(1) and (6) of the Federal Rules of Civil Procedure. A review of the Complaint reveals that it is patently frivolous and fails to state a claim upon which relief can be granted. Moreover, it appears that the court lacks subject matter jurisdiction. A lawsuit against a federal judge or other federal officer in an official capacity is a lawsuit against the United States government itself and, absent an express waiver of sovereign immunity, the United States cannot be sued. Kentucky v. Graham, 473 U.S. 159, 166 (1985). Accordingly,

IT IS THEREFORE ORDERED that this case is hereby DISMISSED WITH PREJUDICE.

Signed: September 12, 2006



Graham C. Mullen  
United States District Judge

